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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,491	11/13/2001	Christopher J. Feola	45003-45USPT	5649

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EXAMINER

SALL, EL HADJI MALICK

ART UNIT PAPER NUMBER

2157

DATE MAILED: 05/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/008,491	FEOLA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	El Hadji M. Sall	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 March 2006.
- 2a) ☐ This action is **FINAL**.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19,22,24 and 35-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19,22,24 and 35-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some \*    c) ☐ None of:
  - 1. ☐ Certified copies of the priority documents have been received.
  - 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. This action is responsive to the amendment filed on March 3, 2006. Claims 1-19, 22, 24 and 35-37 are pending. Claims 1-19, 22, 24 and 35-37 represent content operating system.

### **2. *Claim Rejections - 35 USC § 102***

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-19, 22, 24 and 35-37 are rejected under 35 U.S.C. 102(e) as being unpatentable over Tso et al. 6,421,733.

Tso teaches the invention as claimed including system for dynamically transcoding data transmitted between computers (see abstract).

As to claims 1, 17 and 24, Tso teaches a system and method for providing content to a plurality of different types of channels, said system and said method comprising:

a content object including the content to be provided over the plurality of different channels (column 3, lines 10-14; column 9, lines 34-39, Tso discloses a web site, which users from a particular region can access to (i.e. inherently "over the plurality of different channels"));

a plurality of rule objects operable to apply rules to said content object to prepare the content in a first way for communication over a first one of the different channels and publication by a certain terminal connected to that first channel and prepare the content in a second way for communication over a second one of the different channels and publication by a certain terminal connected to that second channel (column 7, line 15 to column 8, line 9);

at least one container object operable to receive said content object and template the prepared content to meet a certain publishing environment specified by a publisher of the content (column 7, line 60 to column 8, line 4); and

a communication system for communicating the prepared and templated and content objects over the first and second channels to the certain publishing terminals connected thereto (figure 3, item 34).

As to claim 2, Tso teaches the system according to claim 1 wherein the network includes at least one of the following: terrestrial and satellite based (figure 1, items 14 and 16))

As to claim 3, Tso teaches the system according to claim 1, wherein the network is the Internet (figure 1, item 18).

As to claim 4, Tso teaches the system according to claim 1, wherein said content object includes at least one of the following: text, graphics, image, video and sound (column 4, lines 51-54).

As to claim 5, Tso teaches the system according to claim 1, wherein each rule object includes at least one rule distinct from other rule objects (column 6, lines 64-67).

As to claim 6, Tso teaches the system according to claim 5, wherein the at least one distinct rule is based on a specific channel for which the associated rule object is associated (column 7, lines 4-7).

As to claim 7, Tso teaches the system according to claim 5, wherein the at least one distinct rule is based on a specific terminal for which the associated rule object is associated (column 7, lines 7-12)

As to claim 8, Tso teaches the system according to claim 5, further comprising a channel object operable to receive said content object as prepared by said container object (figure 1).

As to claim 9, Tso teaches the system according to claim 8, wherein said channel object defines a channel of distribution over the network (figure 3).

As to claim 10, Tso teaches the system according to claim 8, wherein said channel object includes at least one of the following channels: Internet, wireless, cellular, and satellite (figure 1, item 18).

As to claim 11, Tso teaches the system according to claim 8, wherein the at least one rule defines a process for which said content object is subject to for distribution

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over a particular channel (column 8, lines 4-9; column 12, line 67 to column 13, line 11).

As to claim 12, Tso teaches the system according to claim 11, wherein the process includes reducing the amount of data to be distributed (column 8, lines 22-26).

As to claim 13, Tso teaches the system according to claim 11, wherein the particular channel is predetermined by said content publisher (column 3, lines 14-17).

As to claim 14, Tso teaches the system according to claim 8, further comprising a directory lookup service for assigning said content object to at least one rule and at least one container object (column 10, lines 16-27).

As to claim 15, Tso teaches the system according to claim 9, further comprising an object broker (figure 3, item 34).

As to claim 16, Tso teaches the system according to claim 8, wherein the preparation by the at least one container object includes applying a template to said content object for display (column 7, line 60 to column 8, line 4).

As to claims 18 and 35, Tso teaches the method and system according to claims 17 and 24., further comprising distributing the content having the at least one rule and

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data element being applied thereto over the distribution channel of the network (column 7, line 60 to column 8, line 4).

As to claims 19 and 36, Tso teaches the method and the system according to claims 17 and 24, wherein the first distribution channel is a newspaper print publication channel (column 7, line 43 to column 8, line 9) and the second distribution channel comprises one of the following:

email, broadcast, Ethernet, wireless Ethernet, cellular, video and the Internet (figure 1, item 18).

As to claims 22 and 37, Tso teaches the method according to claims 17 and 24, wherein the content includes more than one of the following: text, graphics, image, video, and audio (column 3, lines 51-54).

#### **4. Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to El Hadji M Sall whose telephone number is 571-272-4010. The examiner can normally be reached on 8:00-4:30.

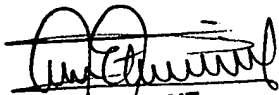
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-4010.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

El Hadji Sall  
Patent Examiner  
Art Unit: 2157



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